

CHAPTER 55**UNDERGROUND STORAGE TANKS:
GENERAL PROVISIONS**

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5500 COMPLIANCE WITH OTHER DISTRICT LAWS

- 5500.1 Each owner or operator of an UST system shall comply with the following:
- (a) The provisions of the District of Columbia Underground Storage Tank Regulations, Title 20 DCMR Chapters 55-70 (hereinafter referred to as “Subtitle”);
 - (b) The provisions of the District of Columbia Fire Prevention Code Supplement of 1992, Title 12 DCMR, D.C. Construction Codes Supplement of 1992 (hereinafter referred to as “Fire Prevention Code”) pertaining to underground storage tanks;
 - (c) The provisions of the District of Columbia Municipal Regulations (DCMR) that pertain to permits for construction activities (such as excavation, installation, repair, abandonment or removal) related to USTs; and
 - (d) All other applicable laws and regulations.
- 5500.2 The appropriate District of Columbia permits for construction activities performed in conjunction with repair of a leaking UST (LUST) or remediation of a site shall be obtained.
- 5500.3 Owners or operators of USTs on federal facilities shall comply with the requirements of this Subtitle, except the required notice to the District of Columbia Fire Chief shall be given instead to the Fire Chief or an official designated by the federal facility.
- 5500.4 For purposes of enforcement actions brought by the Director, the requirements of these regulations shall govern as to tank installation, upgrades, release detection methods, and the extent, width and depth of excavation for tank removal, site assessment and corrective actions. The Fire Prevention Code shall govern in the case of a fire or safety hazard.

5501 APPLICABILITY OF UST REGULATIONS

- 5501.1 The requirements of this Subtitle shall apply to all underground storage tanks and UST systems located in the District of Columbia, except as otherwise provided in this chapter, and to each owner, operator, and other responsible or remediating party as set forth in this Subtitle.
- 5501.2 Except as provided in this Subtitle, either an owner or operator, and where appropriate another responsible party or a remediating party shall comply with the requirements of this Subtitle. Where neither an owner nor operator complies with the requirements of this Subtitle, both may be held jointly and individually liable for violations of these provisions and any penalties assessed for those violations. A responsible or remediating party may be held jointly and individually liable for violations of those provisions governing LUSTs and corrective actions and any penalties assessed for those violations.
- 5501.3 The following underground storage tank systems are exempt from the requirements of this Subtitle:
- (a) Any UST holding hazardous wastes listed or identified under Subtitle C of the Resource Conservation and Recovery Act, as amended, 42 USC §6901, *et seq.*, or a mixture of any of those hazardous wastes and other regulated substances;
 - (b) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under §307(b) or §402 of the Clean Water Act, 33 USC §1151, *et seq.*;
 - (c) Any UST system that contains a *de minimis* concentration of regulated substances as determined by the Director;
 - (d) Any emergency spill or overflow containment tank that is expeditiously emptied after use;
 - (e) A septic tank;
 - (f) A pipeline facility (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, 49 USC §1671, *et seq.*, or the Hazardous Liquid Pipeline Safety Act of 1979, 49 USC §2001, *et seq.*;
 - (g) A surface impoundment, pit, pond, or lagoon;
 - (h) A storm-water or wastewater collection system;
 - (i) A flow-through process tank;
 - (j) A liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; and

- (k) A storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor, and is not covered by any earthen materials along its sides and bottom.

5502 PARTIAL APPLICABILITY OF UST REGULATIONS TO PARTICULAR UST SYSTEMS

5502.1 The following UST systems are required to comply only with the provisions of this section and with the provisions of Chapter 62:

- (a) Wastewater treatment tank systems, including underground oil/water separator tanks, not regulated under §307(b) or §402 of the Clean Water Act, 33 USC §1151 *et seq.*;
- (b) Any UST system containing any radioactive material that is regulated under the Atomic Energy Act of 1954, 42 USC §2011 *et seq.*;
- (c) Any UST system that is part of any emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50, Appendix A;
- (d) Any airport or heliport hydrant fuel distribution system; and
- (e) UST systems with field-constructed tanks.

5502.2 No person may install an UST system identified in §5502.1 for the purpose of storing any regulated substance unless that UST system:

- (a) Will prevent releases due to corrosion or structural failure for the operational life of the UST system;
- (b) Is cathodically protected against corrosion, constructed of noncorrodible material, steel clad with a noncorrodible material, or designed to prevent the release or threatened release of any stored regulated substance; and
- (c) Is constructed or lined with material that is compatible with the stored regulated substance.

5502.3 In the event of a suspected or confirmed release from a UST system listed in §5502.1, the owner or operator shall comply with all of the provisions of Chapter 56 except §§5600.7(d), 5601 and 5604.

5503 PARTIAL APPLICABILITY OF UST REGULATIONS TO HEATING OIL TANKS

5503.1 Heating oil UST systems having a capacity less than one-thousand-one-hundred (1,100) gallons shall be exempt from the requirements of this Subtitle with the following exceptions:

- (a) In the event of a suspected or confirmed release from the UST system, a responsible or remediating party shall comply with all of the provisions of Chapter 56 except §§ 5600.7(d) and 5601;
- (b) Chapter 62 except that the Director may waive or modify any requirements of Chapter 62 that are inappropriate or unduly burdensome upon consideration of the nature of the release and the degree of contamination.

5503.2 Owners or operators of heating oil tanks having a capacity of one-thousand-one-hundred (1,100) gallons or more shall comply only with the following:

- (a) The provisions of Chapter 56 except the requirement of §5600.7(d);
- (b) Sections 5700.6 and 5703;
- (c) For new heating oil tanks installed after November 12, 1993, §§ 5700.7, 5700.9 through 5700.10, 5704 through 5706;
- (d) Chapter 59; and
- (e) Tanks that are fifteen (15) years old or older, shall use one of the release detection methods set forth below, as applicable:
 - (1) Statistical Inventory Control (SIR) pursuant to §6005;
 - (2) Tank Tightness Testing, once every three (3) years, pursuant to §6007;
 - (3) Automatic Tank Gauging pursuant to §6008;
 - (4) Monthly Ground-water Monitoring pursuant to §6010;
 - (5) Continuous Interstitial Monitoring pursuant to §6011; or
 - (6) Section 6012 (Other Methods);
- (e) The provisions of Chapter 61 pertaining to closure of heating oil tanks; and
- (f) Chapter 62, except that the Director may waive or modify any requirements of Chapter 62 that are inappropriate or unduly burdensome upon consideration of the nature of the release and the degree of contamination.

5503.3 Owners or operators of heating oil tanks having a capacity of one-thousand-one-hundred (1,100) gallons or more shall comply with the release detection requirements set forth in §5503.2.

5504 PARTIAL APPLICABILITY OF UST REGULATIONS TO UST SYSTEMS OF 110 GALLONS OR LESS, HYDRAULIC LIFT TANKS AND ELECTRICAL EQUIPMENT TANKS

5504.1 The following UST systems are required to comply only with the provisions of this section:

- (a) Equipment or machinery that contains regulated substances for operational purposes (such as hydraulic lift tanks and electrical equipment tanks); and
- (b) Any UST system with a capacity of one-hundred-ten (110) gallons or less.

5504.2 Where there is a suspected or confirmed release a responsible or remediating party shall comply with all of the provisions of Chapter 56 except §§5600.7(d) and 5601; and the provisions of Chapter 62.

5505 PARTIAL APPLICABILITY OF UST REGULATIONS TO EMERGENCY GENERATOR UST SYSTEMS

5505.1 Any UST system that stores fuel for use by an emergency power generator shall be subject to the requirements of this Subtitle, except as provided in §§5505.2 and 5505.3.

5505.2 Emergency power generator tanks, that are 15 years old or older, shall use one of the release detection methods set forth below:

- (a) Statistical Inventory Reconciliation (SIR) pursuant to §6005; or
- (b) Manual Tank Gauging pursuant to §6006; or
- (c) Automatic Tank Gauging pursuant to §6009; or
- (d) Monthly Ground Water Monitoring pursuant to §6011; or
- (e) Continuous Interstitial Monitoring pursuant to §6012; or
- (f) §6013 (Other Methods).

5505.3 The provisions of Chapter 61 pertaining to closure shall apply, except an emergency generator tank shall not be deemed temporarily closed until 15 months after it was last used to receive or dispense product.

5506 INDUSTRY CODES AND STANDARDS

- 5506.1 The Director shall periodically issue and update a list of approved standards and codes of practice developed by nationally recognized associations or independent testing laboratories, which shall be used as guidance for compliance with the requirements of this subtitle.
- 5506.2 Alternative codes and standards may be approved by the Director for use with any particular UST or UST system; Provided, that it is demonstrated to the Director that the alternative code or standard is at least as safe and as protective of health and the environment as the existing code or standard.